



General Assembly

January Session, 2007

Raised Bill No. 1196

LCO No. 4336

04336_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT CONCERNING THE AGE OF A CHILD FOR PURPOSES OF
JURISDICTION IN DELINQUENCY MATTERS AND PROCEEDINGS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 46b-120 of the general statutes, as amended by
2 section 1 of public act 05-250, is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2009*):

4 The terms used in this chapter shall, in its interpretation and in the
5 interpretation of other statutes, be defined as follows: (1) "Child"
6 means any person under sixteen years of age, [and,] except that for
7 purposes of delinquency matters and proceedings, "child" means any
8 person (A) under [sixteen] eighteen years of age, or (B) [sixteen]
9 eighteen years of age or older who, prior to attaining [sixteen] eighteen
10 years of age, has violated any federal or state law or municipal or local
11 ordinance, other than an ordinance regulating behavior of a child in a
12 family with service needs, and, subsequent to attaining [sixteen]
13 eighteen years of age, violates any order of the Superior Court or any
14 condition of probation ordered by the Superior Court with respect to
15 such delinquency [proceeding] proceedings; (2) "youth" means any
16 person sixteen or seventeen years of age; (3) "youth in crisis" means

17 any youth who, within the last two years, (A) has without just cause
18 run away from the parental home or other properly authorized and
19 lawful place of abode, (B) is beyond the control of the youth's parents,
20 guardian or other custodian, or (C) has four unexcused absences from
21 school in any one month or ten unexcused absences in any school year;
22 (4) "abused" means that a child or youth (A) has been inflicted with
23 physical injury or injuries other than by accidental means, or (B) has
24 injuries that are at variance with the history given of them, or (C) is in
25 a condition that is the result of maltreatment, [such as] including, but
26 not limited to, malnutrition, sexual molestation or exploitation,
27 deprivation of necessities, emotional maltreatment or cruel
28 punishment; (5) a child may be found "mentally deficient" who, by
29 reason of a deficiency of intelligence that has existed from birth or
30 from early age, requires, or will require, for [his] such child's
31 protection or for the protection of others, special care, supervision and
32 control; (6) a child may be convicted as "delinquent" who has violated
33 (A) any federal or state law or municipal or local ordinance, other than
34 an ordinance regulating behavior of a child in a family with service
35 needs, (B) any order of the Superior Court, except as provided in
36 section 46b-148, or (C) conditions of probation as ordered by the court;
37 (7) a child or youth may be found "dependent" whose home is a
38 suitable one for the child or youth, save for the financial inability of the
39 child's or youth's parents, parent or guardian, or other person
40 maintaining such home, to provide the specialized care the condition
41 of the child or youth requires; (8) "family with service needs" means a
42 family that includes a child who (A) has without just cause run away
43 from the parental home or other properly authorized and lawful place
44 of abode, (B) is beyond the control of the child's parent, parents,
45 guardian or other custodian, (C) has engaged in indecent or immoral
46 conduct, (D) is a truant or habitual truant or who, while in school, has
47 been continuously and overtly defiant of school rules and regulations,
48 or (E) is thirteen years of age or older and has engaged in sexual
49 intercourse with another person and such other person is thirteen
50 years of age or older and not more than two years older or younger

51 than such child; (9) a child or youth may be found "neglected" who (A)
52 has been abandoned, [or] (B) is being denied proper care and attention,
53 physically, educationally, emotionally or morally, [or] (C) is being
54 permitted to live under conditions, circumstances or associations
55 injurious to the well-being of the child or youth, or (D) has been
56 abused; (10) a child or youth may be found "uncared for" who is
57 homeless or whose home cannot provide the specialized care that the
58 physical, emotional or mental condition of the child or youth requires.
59 For the purposes of this section, the treatment of any child or youth by
60 an accredited Christian Science practitioner, in lieu of treatment by a
61 licensed practitioner of the healing arts, shall not of itself constitute
62 neglect or maltreatment; (11) "delinquent act" means the violation of
63 any federal or state law or municipal or local ordinance, other than an
64 ordinance regulating the behavior of a child in a family with service
65 needs, or the violation of any order of the Superior Court; (12) "serious
66 juvenile offense" means (A) the violation of, including attempt or
67 conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35,
68 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
69 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,
70 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101,
71 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of
72 subsection (a) of section 53a-122, subdivision (3) of subsection (a) of
73 section 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c,
74 subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212,
75 53a-216 or 53a-217b, by a child, or (B) running away, without just
76 cause, from any secure placement other than home while referred as a
77 delinquent child to the Court Support Services Division or committed
78 as a delinquent child to the Commissioner of Children and Families for
79 a serious juvenile offense; (13) "serious juvenile offender" means any
80 child convicted as delinquent for commission of a serious juvenile
81 offense; (14) "serious juvenile repeat offender" means any child
82 charged with the commission of any felony if such child has
83 previously been convicted delinquent at any age for two violations of
84 any provision of title 21a, 29, 53 or 53a that is designated as a felony;

85 (15) ["alcohol-dependent child" means any child who has] "alcohol-
 86 dependent" means a psychoactive substance dependence on alcohol as
 87 that condition is defined in the most recent edition of the American
 88 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
 89 Disorders"; and (16) ["drug-dependent child" means any child who
 90 has] "drug-dependent" means a psychoactive substance dependence
 91 on drugs as that condition is defined in the most recent edition of the
 92 American Psychiatric Association's "Diagnostic and Statistical Manual
 93 of Mental Disorders". No child shall be classified as drug dependent
 94 who is dependent (A) upon a morphine-type substance as an incident
 95 to current medical treatment of a demonstrable physical disorder other
 96 than drug dependence, or (B) upon amphetamine-type, ataractic,
 97 barbiturate-type, hallucinogenic or other stimulant and depressant
 98 substances as an incident to current medical treatment of a
 99 demonstrable physical or psychological disorder, or both, other than
 100 drug dependence.

101 Sec. 2. Section 46b-121 of the general statutes is repealed and the
 102 following is substituted in lieu thereof (*Effective July 1, 2009*):

103 (a) (1) Juvenile matters in the civil session include all proceedings
 104 concerning uncared-for, neglected or dependent children and youths
 105 within this state, termination of parental rights of children committed
 106 to a state agency, matters concerning families with service needs,
 107 contested matters involving termination of parental rights or removal
 108 of guardian transferred from the Probate Court, the emancipation of
 109 minors and youths in crisis, but does not include matters of
 110 guardianship and adoption or matters affecting property rights of any
 111 child, youth or youth in crisis over which the Probate Court has
 112 jurisdiction, [provided] except that appeals from probate concerning
 113 adoption, termination of parental rights and removal of a parent as
 114 guardian shall be included.

115 (2) Juvenile matters in the criminal session include all proceedings
 116 concerning delinquent children in the state and persons [sixteen]

117 eighteen years of age and older who are under the supervision of a
118 juvenile probation officer while on probation or a suspended
119 commitment to the Department of Children and Families, for purposes
120 of enforcing any court orders entered as part of such probation or
121 suspended commitment.

122 (b) (1) In juvenile matters, the Superior Court shall have authority to
123 make and enforce such orders directed to parents, including any
124 person who acknowledges before [said] the court paternity of a child
125 born out of wedlock, guardians, custodians or other adult persons
126 owing some legal duty to a child, youth or youth in crisis therein, as
127 [it] the court deems necessary or appropriate to secure the welfare,
128 protection, proper care and suitable support of a child, youth or youth
129 in crisis subject to [its] the court's jurisdiction or otherwise committed
130 to or in the custody of the Commissioner of Children and Families. In
131 addition, with respect to proceedings concerning delinquent children,
132 the Superior Court shall have authority to make and enforce such
133 orders as [it] the court deems necessary or appropriate to punish the
134 child, deter the child from the commission of further delinquent acts,
135 assure that the safety of any other person will not be endangered and
136 provide restitution to any victim. [Said court] The Superior Court shall
137 also have authority to grant and enforce injunctive relief, temporary or
138 permanent in all proceedings concerning juvenile matters.

139 (2) If any order for the payment of money is issued by [said court]
140 the Superior Court, including any order assessing costs issued under
141 section 46b-134 or 46b-136, the collection of such money shall be made
142 by [said] the court, except orders for support of children committed to
143 any state agency or department, which orders shall be made payable to
144 and collected by the Department of Administrative Services. [Where] If
145 the [court] Superior Court after due diligence is unable to collect such
146 moneys within six months, [it] the court shall refer such case to the
147 Department of Administrative Services for collection as a delinquent
148 account. In juvenile matters, the [court] Superior Court shall have
149 authority to make and enforce orders directed to persons liable

150 hereunder on petition of said Department of Administrative Services
 151 made to said court in the same manner as is provided in section
 152 17b-745, in accordance with the provisions of section 17b-81 [.] or
 153 17b-223, subsection (b) of section 17b-179 [.] or section 17a-90, 46b-129
 154 or 46b-130, and all of the provisions of section 17b-745 shall be
 155 applicable to such proceedings. Any judge hearing a juvenile matter
 156 may make any other order in connection therewith that a judge of the
 157 Superior Court is authorized to grant and such order shall have the
 158 same force and effect as any other order of the Superior Court. In the
 159 enforcement of [its] the court's orders, in connection with any juvenile
 160 matter, the court may issue process for the arrest of any person,
 161 compel attendance of witnesses and punish for contempt by a fine not
 162 exceeding one hundred dollars or imprisonment not exceeding six
 163 months.

164 Sec. 3. Subsection (c) of section 46b-127 of the general statutes is
 165 repealed and the following is substituted in lieu thereof (*Effective July*
 166 *1, 2009*):

167 (c) Upon the effectuation of the transfer, such child shall stand trial
 168 and be sentenced, if convicted, as if [he were sixteen] such child were
 169 eighteen years of age. Such child shall receive credit against any
 170 sentence imposed for time served in a juvenile facility prior to the
 171 effectuation of the transfer. A child who has been transferred may
 172 enter a guilty plea to a lesser offense if the court finds that such plea is
 173 made knowingly and voluntarily. Any child transferred to the regular
 174 criminal docket who pleads guilty to a lesser offense shall not resume
 175 [his] such child's status as a juvenile regarding [said] such offense. If
 176 the action is dismissed or nolle or if such child is found not guilty of
 177 the charge for which [he] such child was transferred or of any lesser
 178 included offenses, the child shall resume [his] such child's status as a
 179 juvenile until [he] such child attains the age of [sixteen] eighteen years.

180 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is
 181 repealed and the following is substituted in lieu thereof (*Effective July*

182 1, 2009):

183 (f) Whenever a proceeding has been designated a serious juvenile
 184 repeat offender prosecution pursuant to subsection (b) of this section
 185 and the child does not waive such child's right to a trial by jury, the
 186 court shall transfer the case from the docket for juvenile matters to the
 187 regular criminal docket of the Superior Court. Upon transfer, such
 188 child shall stand trial and be sentenced, if convicted, as if such child
 189 were [sixteen] eighteen years of age, except that no such child shall be
 190 placed in a correctional facility but shall be maintained in a facility for
 191 children and youths until such child attains [sixteen] eighteen years of
 192 age or until such child is sentenced, whichever occurs first. Such child
 193 shall receive credit against any sentence imposed for time served in a
 194 juvenile facility prior to the effectuation of the transfer. A child who
 195 has been transferred may enter a guilty plea to a lesser offense if the
 196 court finds that such plea is made knowingly and voluntarily. Any
 197 child transferred to the regular criminal docket who pleads guilty to a
 198 lesser offense shall not resume such child's status as a juvenile
 199 regarding such offense. If the action is dismissed or nolleed or if such
 200 child is found not guilty of the charge for which such child was
 201 transferred, the child shall resume such child's status as a juvenile until
 202 such child attains [sixteen] eighteen years of age.

203 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is
 204 repealed and the following is substituted in lieu thereof (*Effective July*
 205 *1, 2009*):

206 (f) When a proceeding has been designated a serious sexual
 207 offender prosecution pursuant to subsection (c) of this section and the
 208 child does not waive the right to a trial by jury, the court shall transfer
 209 the case from the docket for juvenile matters to the regular criminal
 210 docket of the Superior Court. Upon transfer, such child shall stand trial
 211 and be sentenced, if convicted, as if such child were [sixteen] eighteen
 212 years of age, except that no such child shall be placed in a correctional
 213 facility but shall be maintained in a facility for children and youths

214 until such child attains [sixteen] eighteen years of age or until such
 215 child is sentenced, whichever occurs first. Such child shall receive
 216 credit against any sentence imposed for time served in a juvenile
 217 facility prior to the effectuation of the transfer. A child who has been
 218 transferred may enter a guilty plea to a lesser offense if the court finds
 219 that such plea is made knowingly and voluntarily. Any child
 220 transferred to the regular criminal docket who pleads guilty to a lesser
 221 offense shall not resume such child's status as a juvenile regarding
 222 such offense. If the action is dismissed or nolleed or if such child is
 223 found not guilty of the charge for which such child was transferred,
 224 the child shall resume such child's status as a juvenile until such child
 225 attains [sixteen] eighteen years of age.

226 Sec. 6. Subsection (c) of section 10-19m of the general statutes is
 227 repealed and the following is substituted in lieu thereof (*Effective July*
 228 *1, 2009*):

229 (c) The Commissioner of Education shall adopt regulations, in
 230 accordance with the provisions of chapter 54, establishing minimum
 231 standards for such youth service bureaus and the criteria for qualifying
 232 for state cost-sharing grants, including, but not limited to, allowable
 233 sources of funds covering the local share of the costs of operating such
 234 bureaus, acceptable in-kind contributions and application procedures.
 235 Said commissioner shall, on December 1, 1979, and annually thereafter,
 236 report to the General Assembly on the referral or diversion of children
 237 under the age of [sixteen] eighteen years from the juvenile justice
 238 system and [on the referral or diversion of children between the ages
 239 of sixteen and eighteen years from] the court system. Such report shall
 240 include, but not be limited to, the number of times any child is so
 241 diverted, the number of children diverted, the type of service provided
 242 to any such child, by whom such child was diverted, the ages of the
 243 children diverted and such other information and statistics as the
 244 General Assembly may request from time to time. Any such report
 245 shall contain no identifying information about any particular child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	46b-120
Sec. 2	<i>July 1, 2009</i>	46b-121
Sec. 3	<i>July 1, 2009</i>	46b-127(c)
Sec.	<i>July 1, 2009</i>	46b-133c(f)
Sec.	<i>July 1, 2009</i>	46b-133d(f)
Sec.	<i>July 1, 2009</i>	10-19m(c)

Statement of Purpose:

To extend jurisdiction in delinquency matters and proceedings to children aged sixteen and seventeen.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]